

IPSWICH PLANNING BOARD

MEETING MINUTES

Meeting in person with option of remotely using ZOOM

Thursday, July 21, 2022

7:00 PM

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a remote meeting of the Ipswich Planning Board was held on Thursday, July 21, 2022, at Town Hall in Room A and remotely using ZOOM. Board members Carolyn Britt, Mitch Lowe (via ZOOM), Toni Mooradd, Helen Weatherall, Jeff Anderson, and Associate Member Laurie Paskavitz were present. Staff Ethan Parsons, Andrea Bates and recording secretary Odile Breton were also present.

Mooradd convened the meeting at 7:00 PM with a quorum present. Attendance of members was taken. Mooradd thanked Britt for serving as chair for the past year.

Citizen Queries: Kristina Brendel, 403 Linebrook Road, inquired about water usage for projects before the Board. She asked about the state of the Town water mitigation plan and if the Board has enough information related to water to review proposed projects.

Mooradd said there are water mitigation requirements (Town and State) that projects must meet. The Board shares concerns relating to water use. The “WUMP” is under the purview of the Select Board.

Request by Arthur Allen, Feathertree Real Estate Investors, Inc. for release of surety related to a Special Permit decision for project at 83 High Street

Parsons reached out to the applicant and requested a written request be submitted to the Planning Board. Parsons recommended the Board postpone any action on this matter.

Request by Darla Miner for minor modification of 83 High Street Special Permit to allow car port behind unit #3

Jeff Anderson is recused. Laurie Paskavitz is appointed a voting member. Darla Miner was present. The minor modification is to build a car port. Miner hired Tom Mayo, architect for 83 High Street, so the architecture will be the same. View from the street is minimal. Other owners in the complex agree with the minor modification.

Public Comment: Dan Cullen, 79 High Street, said the application went before the APDC, which did not object to the minor modification. Cullen is concerned about water displacement and run-off. Miner reviewed the plan and pointed out a drainpipe at the end of the proposed structure to address the stormwater.

Lowe moved to determine the request is a minor modification and Paskavitz seconded. The motion passed unanimously.

Lowe moved to approve the minor modification of the car port addition as submitted and Weatherall seconded. The motion passed unanimously.

Request by Pamela and Charles Perusse, Jr. for ANR plan of land at 123 Jeffreys Neck Road

Rich Kallman, attorney representing Perusse, was present. The lot abuts 111 Jeffreys Neck Road owned by the Phillips. Perusse is purchasing a parcel of land (1600 sq. ft.) from the Phillips to combine with the Perusse lot. Britt asked if the lots flood. Kallman noted the plan documents the land is upland.

Lowe moved to accept the ANR plan as submitted and Britt seconded. The motion passed unanimously.

Request by Ann Burkhardt for ANR Plan endorsement for plan of land at 8 Hemlock Drive

Attorney Michele Hunton (Rubin and Rudman LLP), and Anne Burkhardt were present.

Mooradd noted there are questions about the adequacy of the way. She asked if it is a private way or a shared driveway. Hunton reviewed information from a 1940 plan and two subsequent plans (1960 & 1955) that reference the 1940 plan. The right of way from County Road through the 8 Hemlock Drive property exists on the 1940 plan. Per the 1960 and 1955 deeds, the right of way grants access in common with others in addition to the owners of 8 Hemlock Drive and provides for the use of the right of way as a public way.

Lowe inquired about the ownership of Hemlock Drive. Attorney Hunton said property owners abutting Hemlock Drive own, respectively, to the center of Hemlock Drive. Mooradd said the way is 15 ft. in width and the requirement is 20 ft. Attorney Hunton said the PB has discretion over the width of the way. The driveway for 8 Hemlock Drive must be 20 ft. wide. Weatherall suggested a site visit.

Britt requested Parsons reach out to the Fire Department for comments related to the width for the way. Parsons noted the way has not provided frontage for 80 years. The ANR plan does not establish frontage. Mooradd requested property lines be identified and frontage identified for the site visit. Attorney Hunton noted the applicant could file for a subdivision. The Board scheduled a site visit for July 28, 2022, at 6:00 PM.

Public Comment: Mary Ann Donovan, 16 Lakemans Lane, is an abutter. She said there is an easement for the bridle path, which does not allow motorized vehicles. She asked if there are any current documents for the right of way.

Attorney Phillip Lake represents the Cabots at 5 Hemlock Drive. He noted there was a right of way over 8 Hemlock Drive but in 1947 the right of way went away. Ipswich adopted subdivision control in 1954. Rights of access end at 5 Hemlock Drive. There is no easement to Lakemans Lane. Easements do not necessarily provide public access.

Lowe made a motion to continue the request to August 11, 2022 at Town Hall, Room A at a meeting beginning at 7:00 PM and Weatherall seconded. The motion passed unanimously.

New Public Hearing to Amend Zoning Bylaw: The Planning Board will hold a public hearing relative to three proposed articles for the Fall Town Meeting. Article 1 would (a) Amend Section IX.A OSPZ by limiting yield plan for lots within Water Supply Protection District and prohibiting encumbrances on open space associated with built portion of projects; (b) Amend Section IX.U Detached Accessory Dwelling Units by requiring property owner to reside on property associated with ADU; and (c) Amend Table in Section V. Use Regulations by allowing retail and personal consumer service establishments by right in PC District. Article 2 would (a) Amend definition of “Lot Area” in Section III. Definitions to require greater upland for determining minimum lot area; (b) Amend Table in Section VI. Dimensional and Density Regulations by inserting floor area ratio limits within RRA, IR, CB and GB districts; (c) Amend Section VI. Dimensional and Density Regulations by removing Special Permit opportunity to increase building height in IR district and by amending height allowances in GB and HB districts by requiring Special Permit to increase height from 37 to 45 feet; (d) Amend Section VII. Off Street Parking by limiting Special Permit Granting Authority’s power to allow tandem parking; and (e) Amend definition of “Multi-family Residential Development” in Section III. Definitions to allow single family units in said developments to constitute up to 50% of total allowed number of dwelling units. Article 3 would Amend Sections II, V, IX.K and XI by substituting “Board of Selectmen” with “Select Board”.

Mooradd opened the public hearing by reading the legal notice. Mooradd reviewed items for Article 1 and said the Board suggested three actions in this article. No more than 50% of the units proposed for a development can be in the Water Supply Protection District. The article does not allow certain development items in OSPZ such as septic systems by adding language that the OSPZ cannot be encumbered by the development.

Public Comment: Vicky Hughes, 2 Poplar Unit 7, asked why anything is being build in the Water Supply Protection District. Britt said the Town cannot take 100% of someone’s land without compensation. Lowe said the article limits activity and uses on sites within the Water Supply Protection District.

Continuing the discussion of Article 1, the amendment for a detached ADU includes a component for the property owner to reside on the site (occupy 1 dwelling unit). Lowe does not think the additional language is needed. What is the problem the Board is attempting to solve? Paskavitz is concerned with consistency in the bylaw as an attached accessory apartment requires owner to live on site. Britt said the concept of accessory unit implies home ownership. ADU is

near the primary residence. If primary residence is a 2-family and one adds an ADU, then it is a multi-family project. Parsons noted that an ADU can be converted into a condominium but the lot that it is on cannot be split.

Public Comment: Carl Gardner, 9 Woods Lane, said an attached apartment has a limited amount of space of the primary structure.

Article 2 Density and Dimensional amendments for floor area ratios addresses the size, scale, and massing of projects. Mooradd reviewed the definition of floor area and its calculation. She noted it is the livable area of a structure. Lowe noted there are other restrictions in the bylaws such as maximum buildable lot and setbacks. Mooradd noted the amendment is in addition to other restrictions and not in lieu of other restrictions. Anderson suggested looking at recent developments and applying the amendment. Would the size of the project be reduced with the amendment?

Public Comment: Paul Nordberg, 19 Pleasant Street, and former Planning Board member, said he did review recent projects and the size of the projects would have been reduced with the amendment.

Lowe made a motion to continue the public hearing to July 28, 2022, at Town Hall, in Room A at a meeting beginning at 7:00 PM and Britt seconded. The motion passed unanimously.

Continued Public Hearing: Ora, Inc. for Site Plan Review, and a Special Permit to use 55 Waldingfield Road as a “Great Estate” for business purposes pursuant to Section IX.H of the Zoning Bylaw. The proposal involves the alteration of more than 2,500 sq. ft. of commercial space as described in Section X.B.1 and the increase of required parking spaces by more than 10 as described in Section X.B.3 of the Zoning Bylaw, as well as associated site work, at 55 Waldingfield Rd. (Assessor’s Map 62, Lot 14), located in the Rural Residence A Zoning District, pursuant but not limited to the sections of the Zoning Bylaw cited herein as well as XI.J

Mooradd noted that voting members on this application are Britt, Lowe, Anderson, Weatherall, and Mooradd.

Attorney Chip Nylen and Jennifer Williams (Ora, Inc.) were present for the applicant. Lolly Gibson (landscape architect) and Charlie Wear (engineer) were also present, via ZOOM.

A draft decision was prepared. Mooradd suggested reviewing the findings and open items with the applicant. Mooradd noted construction sequencing was submitted by the applicant as requested. Phase 1A and 1B peer review comments are all set. Wear noted that the peer review is completed for Phases 2 and 3. The peer reviewer has recommended conditions to be added to the special permit decision. Parsons confirmed and said if the Board approves the special permit, peer review recommendations will be incorporated in the conditions.

Review of Findings & Special Permit Criteria - categories reviewed include:

- Social, economic or community needs that are served by the project
- Fiscal impact on Town services, RE taxes, and employment
- Traffic flow, safety, and parking
- Adequacy of utilities and public services (public safety)
- Compatibility with neighborhood character
- Impacts on the natural environment

The uses requested are permitted under the GEPD bylaw. Britt said rental use for outside events or to third parties should be prohibited. Nylen said the site is for Ora, Inc.'s use only. It was noted that the application materials are acceptable. Benefits of the project outweigh adverse impact to the Town. Open Space for public use is protected and amounts to approximately 62% of the total lot. Weatherall said the tax benefit to the Town is minimal and Ora, Inc. is not creating jobs.

Mooradd said the project is not expected to have significant demand on public services and water use. Weatherall said it is reckless to say there will not be a significant demand on water from this project. Mooradd noted that projects go through a review of Town departments. Parsons does have emails from the Water Department which include recommendations for conditions. Parsons suggested the Board consider adding conditions for water use.

Mooradd said traffic flow, safety, parking, and loading from the project will not create unsafe conditions. Weatherall did not agree with the finding that the project will not create traffic safety hazards on Waldingfield Road. It is a scenic road. The project will impact safety on Waldingfield Road. Nylen said there are no structural needs for the road, and it can handle additional traffic. Ora, Inc. has no authority to establish traffic speed or install traffic calming measures. Britt suggested re-wording the finding to note traffic issues will have a mitigation plan.

Mooradd said there are adequate utilities and public services. Weatherall said using low water flow fixtures is just a starting point. She said the water mitigation is insufficient. Britt asked if there is an O & M plan for the meadow and horse paddocks. Nylen said yes and it was submitted.

Mooradd said the project will protect and restore historic buildings for compatibility with neighborhood character. Lowe suggested restricting or limiting future potential development in horse paddock not included in CR. Nylen requested the language be delicate to avoid an unintended consequence.

Mooradd said the project will not have a significant adverse impact on the natural environment and will preserve the view corridor along Waldingfield Road. The project will preserve significant portions of open and wooded areas on the site. Project will be energy retro fitting the existing buildings to reduce carbon.

Wear responded to the project's water use. Initially, Ora, Inc. suggested use of a well but after discussions with IRWA, it was determined that use of Town water was appropriate. Wear received an email from the Water Department and noted there are no major issues it has with the project.

Mooradd requested Parsons collect information from Town departments on this project.

Public Comment: Jack Whittier, 35 Waldingfield Road, provided the Board members with a binder that includes materials and letters submitted from citizens regarding the Ora, Inc. project. He said there is significant objection from community members for this project. He is disappointed in the lack of details in Ora, Inc. project documents.

Elisabeth Massey, 921 Highland Street, Hamilton, MA, said the project is a corporate development on a scenic road. She read a letter submitted to the Board expressing many concerns with the project. The letter also provided a response to a letter posted in the local newspaper from Stuart Abelson (Ora, Inc.).

Vicky Hughes, 2 Poplar Street, Unit 7, said there are multiple blind spots on Waldingfield Road and she is concerned about traffic safety. She asked how the community is expected to trust Ora, Inc. She also asked how the conditions in the special permit would be enforced by the Town.

Amy Fanning, 140 Topsfield Road, disagrees that the project will enhance the character of the neighborhood. Waldingfield is a scenic road in a residential neighborhood. She is concerned about traffic and safety.

Will Friend, 951 Highland Street, Hamilton, MA, is concerned about the lack of information from Ora, Inc. on benefits the project provides that outweigh adverse effects. He requested a fiscal impact analysis from Ora, Inc.

Mooradd suggested continuing the hearing given the late hour.

Lowe made a motion to extend the public hearing for the application review to August 11, 2022, and Britt seconded. The motion passed unanimously.

Lowe made a motion to continue the public hearing to August 7, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM and Britt seconded. The motion passed unanimously.

Continued Public Hearing: Request by Carl Gardner for a Special Permit to build a detached accessory dwelling unit at 5-7 Turkey Shore Road (Accessor's Map 42A, Lot 37C), which is located in the In-Town Residence District, pursuant but not necessarily limited to Sections IX.U and XI.J of the Zoning Bylaw

Jeff Anderson is recused. Laurie Paskavitz was appointed a voting member on this application when it opened on March 10, 2022. Carl Gardner, 9 Woods Lane, was present for the application.

Mooradd noted information on materials and the size related to rebuilding the stone wall were submitted by the applicant as requested. Gardner said he met with the DPW to approve the location of a tree and a native species listing was provided. He asked for input for the location of the second tree. Parsons said the DRB said the trees should be on either side of the driveway that is being expanded.

Parsons reviewed the draft decision emphasizing conditions and findings. Parsons noted the DRB recommended approving the project. The affordable unit will have a deed restriction recorded. Affordable unit will be identified and added to the subsidized housing inventory prior to the issuance of a certificate of occupancy. Britt and Mooradd suggested adding a timeline to make the affordable unit available.

Gardner is concerned about condition 15 requiring the owner to reside in a unit on the property, which is related to proposed zoning changes for Fall Town meeting. Gardner suggested updating the language.

Public Comment: Kitty Bartholomew, 16 Turkey Shore Road, noted that changes to the plan need to be presented to the Conservation Commission.

Lowe made a motion to close the public hearing and Paskavitz seconded. The motion passed with 4 votes yes and 1 opposed (Weatherall).

Lowe made a motion to approve the draft decision as amended and Paskavitz seconded. The motion passed with 4 votes yes and 1 opposed (Weatherall).

Continued Public Hearing: 5 & 11 Washington St: Request by Triple Q LLC for a Special Permit and Site Plan Review for a 16-unit multifamily residential development at 5 and 11 Washington Street (Assessor's Map 41B Lots 274 and 275), which is located in the General Business District, pursuant but not necessarily limited to Sections V.D, VI, VII, IX.I, IX.K and X of the Zoning Bylaw and associated regulations

Jeff Anderson is recused. Laurie Paskavitz was appointed a voting member for this application on September 9, 2021.

John Colantoni was present. Colantoni expects peer review final comments next week. He noted 2 unhealthy trees will be removed and not 7 trees as discussed at the prior meeting. Colantoni will add 2 more trees for a total of 24 trees for the site.

No public comment noted.

Lowe made a motion to extend the public hearing for the application review to August 11, 2022, and Paskavitz seconded. The motion passed unanimously.

Lowe made a motion to continue the public hearing to August 11, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM and Paskavitz seconded. The motion passed unanimously.

Continued Public Hearing: Request by 214 High LLC for a Special Permit for a multi-family dwelling (10 units) at 214 High Street (Assessor's Map 21 Lot 13), which is located in the Highway Business and Water Supply Protection Zone II Districts, pursuant but not necessarily limited to Sections V.D, VI, VII, IX.C, IX.K, and XI.J of the Zoning Bylaw

Jeff Anderson is recused, and Laurie Paskavitz is appointed a voting member.

Larry Graham (engineer) was present. Graham submitted revised plans on July 14, 2022. He said the changes were based on Board comments. The project is scheduled to go before the DRB on August 1, 2022. It is scheduled to go before the Conservation Commission on September 21, 2022.

Mooradd suggested the Board review the application after the application goes before the Conservation Commission and gets approval for the location of the proposed building. Mooradd spoke with Chair Hughes and there is concern about the location of the building on the site. The site contains wetlands.

No public comment noted.

Britt made a motion to extend the public hearing for the application review to September 29, 2022, and Lowe seconded. The motion passed unanimously.

Britt made a motion to continue the public hearing to September 29, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM and Lowe seconded. The motion passed unanimously.

Continued Public Hearing: Request by New England Biolabs Inc. for a Special Permit pursuant to Sections IX.N and XI.J of the Zoning Bylaw for uses involving hazardous and toxic materials associated with the uses and activities in the main laboratory building and the expansion currently under construction at the New England Biolabs, Inc. property at 240 County Road (Assessor's Map 63, Lot 7), located in the Rural Residence A District (an on NEB's GEPD lot)

Jeff Anderson and Helen Weatherall are recused. Laurie Paskavitz is appointed a voting member.

The applicant requested continuing without discussion.

Lowe made a motion to continue the public hearing and extend the public hearing for the application review to August 11, 2022, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM and Paskavitz seconded. The motion passed unanimously.

Adopt minutes of June 9, 2022, and June 16, 2022

Lowe made a motion to accept the minutes of June 9 and June 16, as drafted and Paskavitz seconded. The motion passed unanimously.

Announcements/New Business

None noted.

Adjournment

Lowe made a motion to adjourn and Britt seconded. Meeting adjourned at 11:34 PM.

Meeting notes taken by: Odile Breton

Accepted on: September 8, 2022